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In re Application of	:	
BRU MARTINEZ et al.	:	
Application No.: 10/501,339	:	DECISION ON
PCT No.: PCT/ES03/00026	:	
Int. Filing Date: 21 January 2003	:	PETITION UNDER
Priority Date: 24 January 2002	:	
Attorney Docket No.: 977777-11552	:	37 CFR 1.137(b)
For: METHOD FOR THE PRODUCTION OF	:	
RESVERATROL IN CELL CULTURES	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 12 November 2004.

### **BACKGROUND**

On 21 January 2003, applicant filed international application PCT/ES03/00026 which designated the U.S. and claimed a priority date of 24 January 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 31 July 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 26 July 2004 (24 July 2004 being a Saturday).

On 23 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States but the U.S. Basic National Fee was not included.

On 19 October 2004, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to pay the U.S. Basic National Fee by thirty months from the priority date.

On 12 November 2004, applicants submitted the instant "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

**DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the U.S. Basic National Fee on 12 November 2004.

As to item (2), the petition fee was paid on 12 November 2004.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.



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